



# Saharawi Arab Democratic Republic Petroleum Authority



16 June 2006

Mr. James C. Musselman, Kosmos  
Chairman and Chief Executive Officer  
Kosmos Energy, LLC  
8401 N. Central Expressway  
Suite 280  
Dallas, Texas 75225

Dear Mr. Musselman,

I am writing to you because we have learned that Kosmos Energy has signed an exploration license with the Kingdom of Morocco to explore for oil in the offshore area of our country Western Sahara.

The decision of your company to remain in our country at a time when many other companies have withdrawn including your former partners is surprising and regrettable. The conflict in Western Sahara has not yet been resolved. The illegal exploitation of the natural resources of our country by your company is a provocative and hostile act which will undermine the peaceful resolution to this conflict.

As you may be aware Morocco invaded and illegally occupied Western Sahara in 1975 as Spain was abandoning its colony. The people of Western Sahara opposed that invasion preventing the Moroccans from taking over all of their country. There has been a ceasefire in place since 1991, brokered by the United Nations and the African Union. The UN has in place a mission, MINURSO, charged with the responsibility of organizing the referendum on self-determination for the people of the Western Sahara.

It is important to note that no country recognizes Morocco's sovereignty over any part of the territory of Western Sahara. Indeed, in 1975, just before King Hassan II ordered the invasion of Western Sahara, the International Court of Justice gave an advisory opinion stating that Morocco never had sovereignty over Western Sahara and that its people are entitled to the right of self-determination. Morocco, which is not recognized by the UN as an administering power in Western Sahara has no right to exploit the natural resources of that territory.

The under-Secretary General for Legal Affairs, Hans Correll, the UN Legal Counsel, issued a legal opinion on 29 January 2002 regarding the legality of contracts signed by Morocco with foreign companies for the exploration of mineral resources in Western Sahara. He stated that if exploration and exploitation of the resources of the Territory "were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the international law principles applicable to mineral resource activities in Non-Self-Governing Territories".

On 20 July 2004 Robert Zoellick the United States Trade Representative, stated in reference to the US Free Trade Agreement with Morocco that:

PO Box 291  
Glebe NSW 2037  
AUSTRALIA

Tel: +61 2 92 65 82 58  
Email: [info@sadroilandgas.com](mailto:info@sadroilandgas.com)

Fax: +61 2 92 83 92 70  
Web: [www.sadroilandgas.com](http://www.sadroilandgas.com)



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"The (American) Administration's position on Western Sahara is clear: sovereignty of Western Sahara is in dispute, and the United States fully supports the United Nations efforts to resolve this issue. The United States and many other countries do not recognise Moroccan sovereignty over Western Sahara and have consistently urged the parties to work with the United Nations to resolve the conflict by peaceful means. The Free Trade Agreement (FTA) will cover trade and investment in the territory of Morocco as recognised internationally and will not include Western Sahara."

The Australian government has recently warned Australian companies about the risks of getting involved in Western Sahara "given the status of Western Sahara as a Non-Self-Governing Territory."

Both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights provide that all peoples have the right to self-determination and that they are entitled to freely dispose of their natural wealth and resources.

Kosmos should appreciate that by remaining in Western Saharan it is contributing to the worsening plight of the Saharawi people, because it encourages Morocco to continue to plunder our natural resources and to continue with its intransigent attitude by obstructing the UN efforts to resolve the conflict peacefully.

The situation is already very harsh for over 165,000 Saharawis who have been in exile in refugee camps in Algeria for over 30 years. In that part of Western Sahara occupied by Morocco, the human rights of the Saharawis who demonstrate peacefully in favour of self-determination are abused regularly. Details of these types of events are corroborated by organisations such as Amnesty International and Human Rights Watch.

Kosmos should realize that its presence in Western Saharan has ethical, legal and political dimensions. As a company that presumably takes its responsibilities as a corporate citizen seriously, we are urging you to put an end to your activities in our country because those activities are, illegal as a matter of international law as well as immoral and unethical.

The Saharawi Republic (SADR) recently signed agreements with eight companies to explore and exploit hydrocarbons in our territorial waters. These agreements in accordance with international law only become active when the SADR is admitted to the UN. The SADR is recognized by over 80 countries worldwide and is a member of the African Union (AU).

I would like to express, on behalf of the SADR government, our readiness to have a constructive dialogue with your company to determine how to reach an amicable solution resulting in your ongoing participation in the development of our national resources.

We look forward to hearing from you soon

Yours faithfully,

Emahamed Khadad  
Advisor to the SADR President and  
Member of the Polisario leadership.

PO Box 291  
Glebe NSW 2037  
AUSTRALIA

Tel: +61 2 92 65 82 58  
Email: [info@sadroilandgas.com](mailto:info@sadroilandgas.com)

Fax: +61 2 92 83 92 70  
Web: [www.sadroilandgas.com](http://www.sadroilandgas.com)